

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WALTER L. RAINES,

Plaintiff,

v.

LEHIGH HANSON SERVICES LLC, ET
AL.,

Defendants.

No. 2:23-cv-01539-DJC-CKD

ORDER GRANTING UNOPPOSED
PARTIAL MOTION TO DISMISS (ECF NO.
24) AND MOTION TO DISMISS (ECF NO.
25)

On November 3, 2023, Defendants Lehigh Hanson Services LLC and Martin Marietta Materials, Inc. moved to dismiss Plaintiff's First Amended Complaint. (See ECF Nos. 24-25.) Pursuant to the Local Rules for this District, the deadline for Plaintiff to file an opposition or statement of non-opposition was fourteen (14) days after the above motions were filed. See E.D. Cal. L.R. 230(c) (Mar. 1, 2022); see also Fed. R. Civ. P. 78. On December 13, 2023, the Court issued an Order to Show Cause instructing Plaintiff to file any responses to the outstanding Motions to Dismiss within fourteen (14) days of the 12/13/2023 Order. (See ECF No. 29.) Plaintiff timely filed statements of non-opposition to the outstanding motions. (See ECF Nos. 30-31.)

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1 In light of Plaintiff's non-opposition to the outstanding motions, the Court
2 hereby:

- 3 1. GRANTS Martin Marietta Materials, Inc.'s Partial Motion to Dismiss the
4 First Amended Complaint (ECF No. 24), thereby DISMISSING WITH
5 PREJUDICE AND WITHOUT LEAVE TO AMEND the third cause of action
6 related to meal period claims under California's Industrial Welfare
7 Commission's Wage Order 4-2001, Cal. Code Regs., tit. 8, § 11040 and
8 California's Labor Code section 226.7; and
9 2. GRANTS Lehigh Hanson Services LLC's Motion to Dismiss (ECF No. 25),
10 thereby DISMISSING WITH PREJUDICE AND WITHOUT LEAVE TO
11 AMEND the causes of action against Lehigh Hanson Services LLC,
12 therefore DISMISSING Lehigh Hanson Services LLC as a party to the
13 instant suit.

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15 IT IS SO ORDERED.
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17 Dated: January 8, 2024


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

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